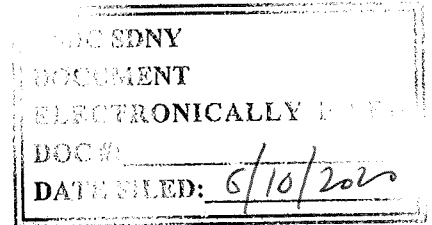


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
FRANK GIZZI,

Plaintiff,

v.

LITHIA MOTORS d/b/a Prestige Lexus of
Middletown,Defendant.
-----X**ORDER**

20 CV 1808 (VB)

On February 29, 2020, plaintiff Frank Gizzi commenced the instant action against defendant Lithia Motors d/b/a Prestige Lexus of Middletown. (Doc. #1). On March 6, 2020, the Clerk of Court issued a summons as to defendant. (Doc. #7).

By Order dated June 1, 2020, the Court stated this case would be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) unless, on or before June 8, 2020, plaintiff either: (i) filed to the ECF docket proof of service, indicating defendant was served on or before May 29, 2020; or (ii) showed good cause in writing for his failure to comply with Rule 4(m). (Doc. #8).

Plaintiff has done neither. Instead, plaintiff's counsel has filed to the ECF docket (i) a letter dated March 21, 2020, addressed to the General Manager of defendant, requesting a waiver of service pursuant to Fed. R. Civ. P. 4(d) and stating that plaintiff was unable to arrange for personal service at the time due to the current public health emergency, and (ii) a response from defense counsel with what appears to be a request for an extension of time to respond to the complaint. (See Doc. #9). Unhelpfully, plaintiff's submission includes nothing more.

Despite plaintiff's counsel's failure to file a direct response to the June 1 Order, in view of the current public health emergency, the Court sua sponte extends to August 10, 2020, plaintiff's time properly to serve defendant in accordance with Fed. R. Civ. P. 4, which would include, for example, personal service on either defendant's registered agent or the Secretary of State. See Fed. R. Civ. P. 4(h) and 4(e)(1); see also N.Y. Bus. Corp. Law § 306.

Dated: June 10, 2020

White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

 Vincent L. Briccetti
 United States District Judge